

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JUAN FRANCISCO HERRERA-
RODRIGUEZ,

Plaintiff,

vs.

THE GEO GROUP, INC.,

Defendant.

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NO. CIV-22-0250-HE

ORDER


Plaintiff filed this § 1983 case alleging that defendant failed to pay him minimum wage in accordance with the Fair Labor Standards Act and Oklahoma’s Minimum Wage Act. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings. Judge Purcell has issued a Report and Recommendation recommending that plaintiff’s application to proceed *in forma pauperis* be denied. Plaintiff has objected to the Report triggering *de novo* review of the matters to which objection has been made.

Plaintiff contends that the \$609.91 in his account balance is the total sum of all his assets. He requests that instead of paying to complete filing fee for this case, that he only make an initial payment of \$20.00, with the same amount due monthly until the fee has been paid. 28 U.S.C. § 1915(a), however, allows for the commencement and prosecution of a case IFP only “if the person is unable to pay such fees or give security therefor.” In this case, plaintiff has funds available to pay his filing fee.

Accordingly, the Report and Recommendation [Doc. #6] is **ADOPTED**. Plaintiff is **ORDERED** to pay the complete filing fee within **twenty-one (21) days** of the date of this order. If the filing fee is not paid, this case will be dismissed without prejudice.

IT IS SO ORDERED.

Dated this 27th day of April, 2022.



JOE HEATON
UNITED STATES DISTRICT JUDGE